

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60126 of 2023**

Arising Out of PS. Case No.-42 Year-2023 Thana- GADHPURA District- Begusarai

Abhiram Kumar Son of Sudhir Rai Resident of Village- Kharahia, Ps-
Hasanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-09-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Garhpura P.S. Case No. 42 of 2023 registered for the offence
under Sections 394, 397, 411 and 414 of the Indian Penal Code
and Sections 25(1-B)a and 26/35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 06.04.2023.

4. The allegation against the petitioner is to commit
robbery alongwith other named co-accused persons and while
committing so taken away cash of Rs. 5,000/- and mobile
belongs to the informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that some altercation took place while
informant was returning after attending farewell party and out of
local disputes, as both petitioner and informant are resident of
same area, implicated falsely with present case. It is submitted



that seized motorcycle belongs to the informant, whereas alleged cash and mobile was alleged to be looted during the course of occurrence was recovered from co-accused, Shivam Kumar and not from the petitioner. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail and none of those two cases are similar as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as alleged looted cash and mobile was recovered from co-accused, Shivam Kumar and not from this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Garhpura P.S. Case No. 42 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class,



Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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